

REMARKS

Claims 11-19 are pending in the application. As indicated above, Fig. 5 has been designated as Prior Art in response to the Examiner's requirements.

The Examiner has rejected claim 11 under 35 U.S.C. § 112, paragraph 2 as being indefinite. In particular, the Examiner refers to the language at the end of claim 11, "as well as the spacing between the behind-the-head headband and the head of a wearer of the behind-the-head headband is adjusted." The Examiner further states that, according to the specification, the adjustment to the spacing between the behind-the-head headband and the head of the wearer is completely independent from the adjustment of the transducer along the length of the second portion. Reconsideration and withdrawal of this rejection is requested. Reference to Figs. 4a and 4b (paragraphs [0035] and [0036]) states that the displacement of the second portion headband or the contact location presses against the head and thus produces a contact pressure against the temple of the headphone wearer (see middle of paragraph [0035]). In the last line of this same paragraph, it is stated that "the first portion 10 is also displaced by virtue of the displacement of the second portion 10b so that this affords a contact pressure F_{hk} at the back of the head of the wearer."

Paragraph [0036] has a similar statement in the last sentence, "While the first portion of the band is disposed loosely on the head in the first position, the first portion is pressed against the back of the head 3 of the headphone wearer, with the contact pressure force F_{hk} ."

In view of the above, there is clear understanding that the last paragraph of claim 11, "said said electroacoustic transducer being displaceable along the longitudinal axis of the second portion of the behind-the-head headband in such a way that the spacing between the electroacoustic transducer and the first or second contact location as well as the spacing between the behind-the-head headband and the head of a wearer of the behind-the-head headband is adjusted," is appropriate and fully supported in the application.

In view of the above language, the rejections over the prior art will now be considered. The Examiner rejected claims 11, 13, 15, 17 and 19 under 35 U.S.C. § 102(e) as being

anticipated by Logan. Logan teaches a headphone with a behind-the-head headband with several electroacoustic transducers. At the ends of the behind-the-head headband, two ear hooks 22 (upper limb 22) and two lower limbs 20a are provided. The ear hook 22 can be extendable by means of a concertina unit. An electroacoustic transducer is coupled via a cable to the lower limb.

It is clear, therefore, that Logan does not teach that the electroacoustic transducer is displaceable along the longitudinal axis of the second portion. In contrast, the electroacoustic transducer is coupled to a cable 28 and is not directly coupled to the lower limb 20.

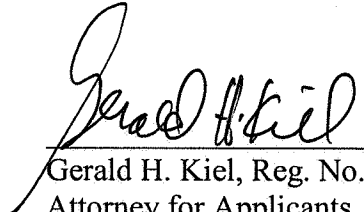
In clear contrast to Logan's teachings and in accordance with the claimed invention, the second portion extends through the housing of the electroacoustic transducer such that the electroacoustic transducer can be displaceable along the longitudinal axis of the second portion. This is described in Figs. 4a and 4b as well as in paragraphs [0035] and [0036] as previously discussed. Here, it is also described that when the headphone is worn and the electroacoustic transducers are placed on the ear of the wearer and the second portions are adjusted, the electroacoustic transducer will stay at their position on the ear of a wearer such that the angle location together with the first and second portions of the headband will be adjusted (c.f. Fig. 4b). The adjustment will not only lead to different first and second contact locations but also the spacing of the behind-the-head headband will be adjusted. This can readily be seen in Figs. 4a and 4b. Thus, if the electroacoustic transducers are placed on the ears of the wearer and if the second portions 10g are pushed in the direction of the arrow in Fig. 4a, then the first contact location 10a will be varied as well as the spacing between the behind-the-head headband and the head of the wearer.

Based on the above, it is clear that independent claim 11 and all claims dependent upon claim 11 are not anticipated by Logan.

The additional reference Nageno, applied to claims 12, 14 and 18, does not address the basic distinctions over Logan and, accordingly, this rejection is similarly not tenable. Thus, these claims are certainly not obvious over the combination of Logan and Nageno which neither teach nor suggest applicant's invention. In view of the above, claims 11-19 are believed

patentable over the cited prior art which fails to teach or suggest the claimed features and invention of applicant. These claims should be allowed and the application should be promptly passed to issue.

Respectfully submitted,



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Enc. Replacement Sheet (Fig. 5)